

REMARKS

Applicants appreciate the thorough examination of the present application that is reflected in the Official Action of September 20, 2006. In response, Applicants have amended independent Claims 1, 10 and 20 to clarify that the calls are initiated by voice activated dialing (VAD) such that the VAD instruction is located in a user device or premises. Applicants have canceled Claims 5-9 and added new Claims 25 and 26. Claims 1-4, and 10-26 are now pending in the present application. Applicants submit that all pending claims are in condition for allowance for the reasons that will be discussed in detail below.

Examiner Interview Summary and Claim Amendments

Applicants appreciate the courtesies that were extended to the undersigned by Examiner Sing during a telephone interview on November 8, 2006. While unwilling to agree to any presently allowable content, Examiner Sing and Applicants' representative identified additional claim language that might be allowable, depending on the results of a subsequent search. Additional distinguishing language that was discussed includes limiting the VAD device module as "located in a customer premises or device." In method claims, a similar recitation can be included such that a call is initiated by a VAD instruction "in a user device." Examiner Sing was unwilling to identify any combinations of existing claims as presently allowable. Examiner Sing indicated that claim amendments according to the above discussion should be filed in an RCE.

Applicants respectfully appreciate Examiner Sing's assistance in discussing the rejections and efforts to advance the prosecution in the present application. In response, independent Claims 1, 10 and 20 have been amended to include recitations to the effect that the VAD instructions are in a user device or premises. These claims are patentable for at least the following reasons:

Independent Claims 1, 10, and 20 are Patentable

Claim 1 stands rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 5,835,570 to Wattenbarger ("Wattenbarger") in view of U.S. Patent No. 6,404,876 to Smith et al. ("Smith") and further in view of U.S. Patent No. 5,165,095 to Borcherding

("Borcherding"). Applicants respectfully traverse the rejection on the basis that neither Wattenbarger, Smith, Borcherding, nor a combination thereof disclose or suggest all recitations of Claim 1. For example, Claim 1 now recites, in part, *receiving a call initiated by a voice activated dialing (VAD) instruction in a user device*. As discussed in the telephonic interview, none of the cited references appear to disclose or suggest that the voice activated dialing instruction/module is in a user device or premises.

Wattenbarger generally describes a voice-directed dialing method using a system for using directory assistance with a spoken voice label. Wattenbarger, column 2, lines 30-33. Specifically, Wattenbarger describes **dialing a service number** to access a voice activated directory assistance and **then using a voice label** to look up and route the call. Thus, the call is initiated by numerical dialing before any voice related operation is undertaken. *See, e.g.,* FIG. 3, block 101; column 3, lines 23-26. Thus, dialing a service number to access a directory assistance system is not initiated by voice activated dialing. Accordingly, Wattenbarger does not disclose or suggest, among other things, "receiving a call initiated by a voice activated dialing (VAD) instruction in a user device," as recited in Claim 1, as amended.

In rejecting Claim 1 the Office Action states that:

Smith teaches a voice activated dialing, such as "call Mike", "call doctor" or "call home" can be activated (initiated) as soon as the phone is off hook, or activated via an access number (column 2, lines 9-17).

Office Action, p. 3. In the section following the cited portion above, Smith further describes that "[t]ypically a stand alone voice recognition processor is located in a local central office near the subscriber as an adjunct to the switch." Smith, column 2, lines 17-19. Thus, Smith appears to describe that the voice recognition is not performed in a user device, as would be likely be the circumstance of a voice activated dialing instruction in a user device. Accordingly, Applicants note that the cited portion of Smith does not disclose or suggest "a voice activated dialing (VAD) instruction in a user device," and the operations that take place therefrom as recited in the remainder of Claim 1.

In rejecting Claim 1, the Office Action states that Borcherding teaches:

a centralized voice dialing system, in that a caller initiates a call by issuing a voice dialing directive such as "call home" or "call Uncle Joe" after

hearing a dialing tone or a prompt (column 5, lines 10-13; column 3, lines 23-31).

Office Action, p. 3. Applicants respectfully submit that, in contrast with Claim 1, Borcherding describes a centralized voice dialing system that does not receive a call initiated by a voice activated dialing (VAD) instruction in a user device. Applicants note that Borcherding states that:

[a] dial command spoken by the caller is then detected and a local database containing speaker independent speech recognition templates is accessed. The templates of this local database are compared to the dial command, so that dialing instructions can be recognized and executed.

Borcherding, column 2, lines 9-15. Although Borcherding appears to compare templates in a local database, "[t]hese templates are downloaded from a central database to a local database in a local station in communication with the caller's telephone." Borcherding, column 2, lines 7-9. Thus, in contrast with "a voice activated dialing (VAD) instruction in a user device," as recited in Claim 1, the voice recognition in Borcherding appears to be performed in a local station.

Accordingly, neither Wattenbarger, Smith, Borcherding, nor a combination thereof disclose or suggest all recitations of Claim 1, as amended. Applicants respectfully submit that for at least these reasons, Claim 1 is patentable over Wattenbarger in view of Smith in further view of Borcherding. For at least similar reasons discussed above regarding Claim 1, Applicants submit that independent Claims 10 and 20, as amended, are patentable over Wattenbarger in view of Smith in further view of Borcherding.

New Claim 25 is Patentable

Applicants respectfully submit that new independent Claim 25 is patentable at least over Wattenbarger in view of Smith in further view of Borcherding on the basis that the combination of references does not disclose or suggest the recitations of Claim 25.

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The Dependent Claims are Patentable

Dependent Claims 2-4, 11-19, 21-24 and 26 are patentable at least by virtue of the patentability of the various ones of independent Claims 1, 10, 20 and 25, from which they depend.

CONCLUSION

As all of the claims are now in condition for allowance, Applicants respectfully request allowance of the claims and passing of the application to issue in due course. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

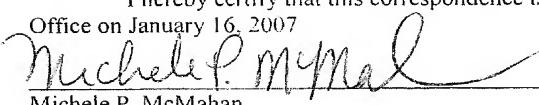


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